

MINUTES OF THE SELECTMEN'S MEETING

JULY 10, 2007

Present: Selectmen Glenn Trindade, Dennis Crowley, Rich Dunne, John Foresto, Town Administrator, Suzanne Kennedy and Administrative Services Assistant, Celeste Hanson were present. Selectman Andrew Espinosa was absent.

7:02 p.m. – Chairman Trindade called the meeting to order in the School Committee Room located at the Medway Middle School. All stood for the Pledge of Allegiance.

Public Comments:

- Mary O'Leary, Chairman of the Housing Authority and member of the Affordable Housing Committee reported that she prepared copies of the Annual Medway Authority Board Report for the Selectmen's information and copies minutes of the Affordable Housing Committee. Mrs. O'Leary mentioned that the Affordable Housing meets on an as-needed basis. She also explained the roles of the Affordable Housing Committee members for the Selectmen's consideration during the upcoming annual committee appointment discussions. She also indicated that the Selectman and Town Administrator are invited to the Housing Authority Annual Cookout on Wednesday, July 18, 2007 at the Mahan Circle Patio area at twelve o'clock noon.
- Mr. Robert Heavey came forward to address the Selectmen and expressed his disappointment regarding the annual Tri-County Regional Vocational School Committee appointment. Mr. Heavy indicated that he met with Chairman Trindade last week regarding the matter. Mr. Heavey indicated that he was informed that he would not be reappointed as the Medway representative on the Committee. He stated that when he inquired why he would not be reappointed, he was told that "they" had another candidate. Mr. Heavey indicated his disappointment and noted that he served as the town's representative for fifteen (15) years and feels that the reappointment matter was not handled properly.

Ratification of Contracts--Board of Assessors:

- Board of Assessors, Mr. Pace Willisson and Marjorie Sanford were present.
- Administrator Kennedy stated that she and Town Counsel have reviewed the contracts and that Town Counsel has approved both contracts as to form. Administrator Kennedy also indicated that the Town Accountant has verified the availability of funds as well. Administrator Kennedy recommended that the Board go forward with execution and approval of the contracts with Kapinos and DeLauriers as submitted. The parties entered into a brief discussion with Assessor Willisson.
- Selectman Dunne moved that the Board authorize the Software Licensing Agreement with Paul S. Kapinos and Associates; seconded by Selectman Foresto; all ayes 4-0-0 (voted).
- Chairman Trindade moved that the Board authorize the contract agreement with DesLauriers and Associates, Inc. for the provision of Update and Reproduction of

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Assessors Tax Maps and GIS Services; seconded by Selectman Crowley; all ayes 4-0-0 (voted).

Approval of BAN:

- Treasurer Collector Phillips explained that last November the Town received final funding for the high school construction project from the Massachusetts School Building Authority (MSBA) and that certain items totaling three hundred sixteen thousand nine hundred thirty-seven dollars (\$316,937) related to the storage facility/concession stand were not eligible for reimbursement. Bond Anticipation Notes in the amount of four thousand eight one hundred sixty (\$408,160) dollars (BANs) were issued to include the three hundred sixteen thousand nine hundred thirty-seven dollars (\$316,937) balance along with the Burke school roof debt of ninety-one thousand two hundred twenty-three dollars (\$91,223) with a maturity date of July 27, 2007. The Town is still awaiting final SBA reimbursement thus creating the need to issue a short-term borrowing. Due to deficit financing, the Commonwealth requires that the Town seek approval from the Department of Revenue (DOR) for any borrowings and the Selectmen must vote to authorize the Treasurer to seek said approval.
- Selectman Crowley moved that the Board authorize the Treasurer Collector to petition the Massachusetts Department of Revenue for permission to borrow three hundred forty-two thousand eight hundred thirty-five dollars and seventy-six cents (\$342,835.76) as a municipal purpose loan for school projects; noted dated July 27, 2007 and mature on July 25, 2008; seconded by Selectman Dunne; all ayes 4-0-0 (voted).
- The parties entered into a brief discussion. Treasurer Phillips indicated that the FY07 collections are up to ninety-seven percent (97%) which is where the town should be. The parties also discussed the collection process and barcodes that were not imbedded on the last round of utility bills. Treasurer Phillips indicated that it was an oversight and that the financial software company will need to upgrade the utility software module.

Discussion of Village Street Matter:

- Mr. Mark Cerel and Ms. Charlene Casucci residents of Village Street came forward to state their concerns/complaints regarding speeding and traffic noises on Village Street. Mr. Cerel stated that his wife first approached the board with her complaint relative to heavy construction contractor trucks traveling on Village Street in order to avoid the traffic signals on Route 109. Mr. Cerel stated that he and his wife are advocating that the Selectmen consider prohibiting through heavy truck traffic from Franklin Street west to Main Street. Mr. Cerel also stated that he would like to see extra enforcement regarding the speeding and noise from loud motorcycles and automobiles that have performed illegal mechanical enhancements to their vehicles.
- Mrs. Casucci stated that there is an increase in truck traffic, noise and excessive speeding on Village Street which is causing an enormous safety risk. Mrs. Casucci

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- stated that on several occasions while she was attempting to cross the street, drivers have passed at what seemed to be excessive speeds and when she indicated the speed limit, she was "gestured" by drivers. Mrs. Casucci stated that she has contacted Safety Officer, Jeff Watson, several times regarding her concerns regarding speeding on Village Street. She stated that the Police Department has been supportive and noted that she sympathizes with the lack of department personnel to aide in the speed limit enforcement. She suggested that perhaps drivers could be discouraged by speeding if residents organized a fundraising committee to purchase/install blinking lights at the crosswalks and the Police Department increased patrols to issue tickets for speeding.
- Chief Saleski stated that he still stands by his original opinion that there is no compelling reason to close Village Street to truck traffic. Chief Saleski noted that the August 2006 traffic study showed truck traffic being approximately two (2%) percent of the overall traffic and that the Department has scheduled to perform another traffic study in August. Chief Saleski encourages residents to contact the Police Department and report such violations as soon as possible. Chief Saleski stated that matters will be investigated provided that staff is available to perform such. Currently day staff consists of two patrol office and one staff sergeant.
 - Department of Public Services Director, David D'Amico, stated he confirmed that the State will not consider closing a street to truck traffic unless the Town submits data reports indicating that the truck traffic is twenty percent (20%) of the overall traffic on said street.
 - The parties continued the traffic/noise issue on Village Street. Selectmen discussed erecting "No thru trucking" signs and intermittent police enforcement. Selectman Dunne stated that he did not support erecting any signs or taking action on the matter until the second traffic study has been completed and compared with past traffic study reports. It was agreed that the Selectmen will conduct another discussion of the matter at their August 20th meeting.

Public Hearings:

Class II Auto License -- Al's Auto Sales:

- Chairman Trindade moved to open the Public Hearing relative to the application for a Class II Auto License filed by Al's Auto Sales located at 107 Main Street seconded by John Foresto; all ayes 4-0-0 (voted).
- Mr. Ali Hodroj came forward and stated that he is seeking a Class II Auto License in order to purchase automobiles at the auto auction and ship to destination. Mr. Hodroj indicated that auto's will not be delivered to premises for display or resale. Mr. Hodroj indicated that the premises will be used solely for office business purposes only as the property is leased by Mobile Corporation and the franchise agreement does not permit the sales of automobile. The only automobiles that are located on the premises are vehicles that are being repaired.

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- There were no other questions and Selectman Dunne moved to close the public hearing, seconded by Selectman Foresto. Selectman Dunne moved that the Board approve the Class II Auto License application of Mr. Ali Hodroj d/b/a Al's Auto Sales, located at 107 Main Street; seconded by Selectman Foresto; all ayes 4-0-0 (voted).

Approve and sign warrant:

- Selectman Dunne moved that the Board approve and sign warrant number fifty three (53) and fifty-four (54) for fiscal year '07 and warrant one (1) for fiscal year '08 as read in the total amount of \$1,715,795.27; Selectman Foresto seconded; all ayes 4-0-0 (voted).

Approval of Licenses:

The Administrative Services Assistant indicated that final approval from the ABCC was received on the liquor license application filed by Medway Mart and Keystone Liquors and that the final action the board is required to take is to execute the respective licenses.

- Selectman Dunne moved that the Board execute the common victualler and beer and wine package store licenses for Sri Sitaram d/b/a Medway Mart; seconded by Selectman Foresto; all ayes 4-0-0 (voted).
- Selectman Dunne moved that the Board execute the all alcohol package store license for Medway Beverages d/b/a Keystone Liquors; seconded by Selectman Foresto; all ayes 4-0-0 (voted).

Approval of Minutes:

- Selectman Crowley moved to approve and accept the regular session meeting minutes of April 2, 2007; seconded by Selectman Dunne; all ayes 3-0-1 (voted) with Selectman Foresto abstaining.
- Selectman Crowley moved to approve and accept the regular session meeting minutes of April 5, 2007; seconded by Selectman Dunne; all ayes 3-0-1 (voted) with Selectman Foresto abstaining.
- Selectman Crowley moved to approve and accept the regular session meeting minutes of April 30, 2007; seconded by Selectman Dunne; all ayes 3-0-1 (voted) with Selectman Foresto abstaining.

Dog Hearing:

- Chairman Trindade opened the Dog Hearing and asked the individuals involved to step forward to be sworn in. Dog Officer Brenda Hamelin, Mrs. Janina Alves (dog owner of Luna) of 3 Hill Street; Mr. John Meloski and Mrs. Deidre Meloski of 2

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Diane Drive (owners of the attacked dog "Buddy"). Chairman Trindade asked that the parties raise their right hand and solemnly swear that the testimony they will give in the matter now and in the hearing will be the truth, the whole truth, and nothing by the truth; all parties raised their right hands and agreed to tell the truth.

- Officer Hamelin referred to her report dated June 29, 2007 outlining the on-going issues concerning Luna which commenced on March 11, 2005. In summary, the incidents included several dog running loose complaints, unlicensed citations, and violation of the lease law. Most recently on June 7, 2007, Luna was held for a ten-day quarantine at the Animal Control Kennel until June 17, 2007 for attacking/biting another dog. Owners of Luna were charged one hundred dollars (\$100.00) for kennel fees; fifty dollars (\$50.00) for dog bite violation and twenty-five dollars (\$25.00) for leash law violation. Officer Hamelin indicated that she has spoken to Luna's owners many times and that said owners have totally ignored her verbal and written warnings as well as the town's by-laws. Officer Hamelin indicated that she has included the Meloski's complaint regarding Luna's attack of their dog, Teddy, as well as pictures of Teddy's injuries, two e-mails from residents and three descriptions of Akita's temperament.
- Mrs. Meloski of 2 Diane Drive described the attack of her pet, Teddy, a two-year old Old English Sheep dog that is approximately eighty to ninety-five pounds. Mrs. Meloski stated that on Wednesday June 6, she let her dog, Teddy, out the front door on a lead when Luna came half way into the drive way and attacked Teddy. Mrs. Meloski stated that she came to the aid of her pet and grabbed a yard rake for protection and was able to get Teddy back into the house. She said that Luna continued to circle her home for the next twenty minutes and was so intent on getting Teddy that the dog broke through the porch screen door. Mrs. Meloski stated that Teddy was taken to Medway Animal Hospital and suffered four puncture wounds, trauma and was placed on antibiotics. Mrs. Meloski stated she is very concerned about Luna's behavior and the danger the animal is to other people and pets.
- Mr. Meloski stated that Teddy continued to exhibit nervousness when let out and is also very concerned about Luna's behavior and potential harm the dog could cause.
- Mrs. Eleanor Moreland of 2 Cider Mill Road explained that she had contacted the Animal Control Officer when Luna was a puppy because it was loose and in her yard. Mrs. Moreland stated that she was concerned at the time, that the puppy could sustain injuries. Mrs. Moreland stated that she has seen Luna loose on a number of occasions and is concerned about the dog and the safety of the public.
- Mrs. Janina Alves of 3 Hill Street, owner of Luna stated that Luna was always friendly until six or seven months ago, when she witnessed some aggressive behavior towards her cousin's dog. She also stated that Luna has not shown any aggressive behavior toward her, her husband or her children. Mrs. Alves admitted that Luna has gotten loose and has broken through the electric fence because the battery on her collar went dead, she also admitted that she was irresponsible regarding licensing Luna and that she has misplaced the reminder or lost the

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licensing notice but is more diligent now. Mrs. Alves indicated that she was concerned about Luna, other animals and people that Luna may come in contact with when she is loose. Mrs. Alves stated that she is willing to comply and work with the Town towards an amicable solution.

- Selectman Trindade inquired if Mrs. Alves had ever gone for Akita training with Luna. Mr. Trindade also asked if the property has an area to install fencing. Mrs. Alves indicated that she did attend a training class. Selectman Trindade indicated that he feels very bad for the dog as it appears the owners can not control it and fears it will get injured or will injure someone.
- Selectman Foresto asked who is responsible for the animal when it is off the owner's property. The Animal Control Officer indicated that the owner of the animal is responsible for the animal at all times and that she has explained this to Mrs. Alves many times. Also, the Animal Control Officer asked Mrs. Alves what happened to her other pet (Lhasa Apso). Mrs. Alves stated that she no longer has the Lhasa Apso because it likes to play outside with Luna and was getting to many tick bites.
- Selectman Dunne read excerpts of Akita temperament from the three printed descriptions submitted by the Animal Control Officer. All descriptions referenced very aggressive behavior toward other animals. Selectman Dunne asked the Animal Control Officer for her recommendation. Officer Hamelin stated that she would like to see Luna placed on a permanent restraining order with a permanent kennel constructed of cement and fencing.
- Selectman Crowley stated that he is very upset with the owners disregard of the Towns by-laws and control of their pet. Selectman Crowley stated that he is concerned that the owners of Luna will not adhere or follow through the Selectmen's recommended action.
- Officer Hamelin asked Mrs. Alves is she would surrender Luna to the care of the Animal Control Department. Mrs. Alves said she would work with the Town but could not surrender Luna—it would upset her family to do so. Mrs. Alves stated that she could not stay for the remainder of the hearing as she needed to attend to her baby's needs.
- Chairman Trindade moved to close the hearing; Selectman Dunne seconded; all ayes 4-0-0 (voted). The Selectmen entered into a discussion.
- Selectman Foresto stated that he is very concerned about the dog's behavior and potential danger to the public. He supports the permanent retraining order and demand that the owners surrender the dog to the custody of the Animal Control Officer. Selectman Trindade also supports same and that the owners surrender the dog and that the Animal Control Officer work with Akita Rescue to place the dog in a proper setting. Selectmen Crowley and Dunne also support the recommendation of the Animal Control Officer.

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- Selectman Trindade moved that the Board make the following finding of facts: a) In the years 2005, 2006 and 2007 owners failed to license Luna in a timely fashion; b) Luna, as accepted in the report by Officer Hamelin, was loose and picked up by Animal Control previously over the course of two years; c) that Luna, by the owners admission, has been loose on other occasions; d) On June 7, 2007, Luna was loose and attached a dog owned by John and Deidre Meloski of 2 Diane Drive, Medway; e) that Luna constitutes a nuisance and; f) that Luna has a vicious disposition; seconded by Selectman Crowley; all ayes 4-0-0 (voted).
- Selectman Crowley moved that the Board voted to order, under General Law Chapter 140, Section 157, that a Permanent Restraining Order be immediately placed on the dog called Luna and under Chapter 140, Section 158 if the dog is found outside its enclosure in violation of the restraining order, the Animal Control Officer will pick up the dog until completion of a hearing; seconded by Selectman Trindade; all ayes 4-0-0 (voted).

Reports of the Selectmen

- Selectman Dunne indicated that the Board should address the comments made by Mr. Heavey earlier. Chairman Trindade stated that “they” refers to the individuals who make the appointment of the Tri County Regional Vocational School Committee representative for the Town of Medway. The individuals who make this appointment are the Chairman of the Board of Selectmen, Chairman of the School Committee and the Town Moderator. Chairman Trindade indicated that members of the appointment committee met to in early June to discuss the re-appointment of Mr. Heavey. The Committee determined not to reappoint Mr. Heavey as another volunteer expressed an interest in serving. Chairman Trindade indicated that he and the appointing members were very thankful for all the services and representation of Mr. Heavey for the past fifteen (15) years.
- Selectman Crowley indicated that GATRA contract will be finalized soon and that the Town Administrator is scheduled to meet the GATRA representative. Selectman Crowley indicated that he would be willing to attend the scheduled meeting with Administrator Kennedy. He also indicated that residents will be receiving a GATRA survey in the mail and encouraged residents to take a few moments out of their schedules to fill out the survey and send it back. Selectman Crowley also inquired about forming a Selectmen sub-committee charged to review/discuss the Coakley Building lease issue. After a brief discussion; the Selectmen elected Selectmen Crowley and Foresto to act as the Selectmen's Sub-committee and report back as warranted.
- Selectman Foresto indicated that there will be meeting with Verizon representatives on July 19 (Thursday) relative to the cable renewal matter and will report back as warranted. He also reported that the Town's new Website is close to final rollout. Representatives are in the process of moving data from the existing website to the new website. The next step will be to meet departments and train staff who will be charged with updating the individual sites.

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- Selectman Dunne reported that the Representative Vallee is advocating for an additional two hundred fifty thousand dollars (\$250,000) in State funding for the Library. Final approval of the additional funding is required by the Governor.

Report of the Town Administrator:

- Administrator Kennedy reported that employee computer training was a great success and anticipates offering more classes in the Fall.
- Administrator Kennedy stated the Selectmen may want to consider holding work sessions to review/ discuss the Open Meeting and Public Hearing Laws, ConCom Remedies, Railroad bed property matters and Insurance Policies and Procedures. The Board entered into a brief discussion and it was agreed to schedule a Selectmen's workshop on Monday, July 23 at 7:00 p.m. in Sanford Hall.

Report of the Chairman.

- Chairman Trindade indicated that the Employee luncheon will be held on Friday, July 20 in Sanford Hall.
- Chairman Trindade indicated that the Selectmen's all day off-site meeting needs to be scheduled. The Board reviewed their calendars and agreed to meet on Friday, September 14, 2007, beginning at 8:00 a.m. (location of meeting to be determined at a later date).

10:15 p.m. There being no further business to discuss, Selectman Dunne moved that the meeting be adjourned; Selectman Foresto seconded; All ayes 5-0-0 (voted).

Respectfully submitted,

Celeste Hanson
Administrative Services Assistant

NOTE: APPROVED BY BOS ON